

Chairperson Scott Hickle  
Vice-Chairperson Bobby Gutierrez  
Parliamentarian Nancy Hardeman



Commissioners  
Leo Gonzalez  
Kyle Incardona  
Kevin Krolczyk  
Prentiss Madison  
Robert Swearingen

## MINUTES

**BRYAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, AUGUST 6, 2015 – 6:00 P.M.  
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer:     *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription*

### **1. CALL TO ORDER.**

Chairperson Hickle called the meeting to order at 6:00 p.m.

<b>Commissioners</b>	<b>Present</b>	<b>2015 Regular Meetings Held</b>	<b>2015 Regular Meetings Attended</b>	<b>Regular Meetings Held During Last 6 Months</b>	<b>Regular Meetings Attended During Last 6 Months</b>
Leo Gonzalez	N	11	8	9	7
Bobby Gutierrez	Y	11	11	9	9
Nancy Hardeman	N	11	9	9	7
Scott Hickle	Y	11	10	9	8
Kyle Incardona	Y	11	9	9	8
Kevin Krolczyk	Y	11	11	9	9
Prentiss Madison	Y	11	9	9	7
Robert Swearingen	N	11	9	9	7

Staff Members Present: Mr. Scott Perkes, Planning Intern; Mr. Matthew Hilgemeier, Staff Planner; Mr. Randy Haynes, Senior Planner; and Mr. Paul Kaspar, City Engineer.

### **2. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.**

Chairperson Hickle led the pledge.

**3. HEAR CITIZENS.**

No citizens came forward.

**4. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.**

Ms. Lauren Crawford, First Assistant City Attorney, advised that Commissioner Krolczyk had filed an affidavit for regular agenda item 8.a. and that Commissioner Krolczyk will not participate in discussion and voting on the rezoning request.

**5. CONSENT AGENDA.**

**a. Approval of minutes from the workshop and regular meetings on July 16, 2015.**

**b. Final Plat FP15-10: Greenbrier Subdivision – Phase 1**

*Proposed Final Plat of Greenbrier Subdivision – Phase 1, being 7.927 acres of land out of John Austin League, Abstract No. 2, adjoining the northeast side of Thornberry Drive between FM 1179 and Locket Hall Circle in Bryan, Brazos County, Texas. (R. Haynes)*

**Commissioner Gutierrez moved to approve the Consent Agenda. Commissioner Madison seconded the motion and the motion passed unanimously.**

**6. REQUESTS FOR APPROVAL OF REPLATS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval).**

**a. Replat RP15-21: Grapevine Addition – Block 3**

*Proposed Replat of Lot 8 in Block 3 of Grapevine Addition, being 2.41 acres of land out of A.G. Gholson Survey, A-123 and J.T. Mawhinney Survey, A-173 located at the northeast corner of Grapevine Road and Sandy Creek Drive, and currently addressed as 3858 Grapevine Road in Bryan's extraterritorial jurisdiction (ETJ) in Brazos County, Texas. (M. Hilgemeier)*

Mr. Hilgemeier presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Gutierrez move to approve Replat RP15-21, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Hickle seconded the motion and the motion**

passed unanimously.

**7. REQUESTS FOR APPROVAL OF CONDITIONAL USE PERMITS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; appeals may be directed to City Council).**

**a. Conditional Use Permit CU15-07: Ginny Gegg**

*A request for approval of a Conditional Use Permit, to allow a professional office use on property in a Residential District – 5000 (RD-5), specifically on property at 1500 East 29<sup>th</sup> Street at the east corner of East 29<sup>th</sup> Street and South Brewer Drive, being Lot 28 and part of Lot 27 in the Durwood Subdivision – Phase 2 in Bryan, Brazos County, Texas. (M. Hilgemeier)*

Mr. Hilgemeier presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to questions, Mr. Hilgemeier responded:

- the subject property is currently unoccupied.
- proposed signage will be non-illuminated, one square foot in size, and attached to the side of the structure.
- one neighbor asked staff what the intended use of the subject property would be.
- the proposed use of the subject property is unknown; and
- it is unknown if the subject property will be used by the property owner.

The public hearing was opened.

Mr. Vernon Young, 1511 Burt Street, Bryan, Texas, neighboring home owner, spoke in opposition to the proposed conditional use permit citing his concern for increased traffic and parking on Brewer Street.

Ms. Penny Floto, 1504 East 29<sup>th</sup> Street, Bryan, Texas, neighboring home owner, spoke in opposition to the proposed conditional use permit citing her concern for signage in the neighborhood, increased noise, increased traffic, and possible decrease in her home's property value.

The public hearing was closed.

**Commissioner Hickle moved to deny Conditional Use Permit CU15-07. Commissioner Krolczyk seconded the motion.**

Commissioners discussed their belief that professional office use in this particular location may not be the most appropriate due to the surrounding residential land use.

**The motion to deny passed unanimously.**

**8. REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).**

**a. Rezoning RZ15-06: Habitat for Humanity**

*A request to change the zoning classification from a combination of Planned Development District – Mixed Use (PD-M) and Agricultural – Open District (A-O) to Residential District – 5000 (RD-5), on 17.18 acres of land out of Zeno Phillips Survey, A-45, and generally located at the southeastern ends of Imperial Valley and Silkwood Drives in Bryan, Brazos County, Texas. (R. Haynes)*

Mr. Haynes presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

The public hearing was opened.

Mr. Fred Paine, 2912 Broadmoor Drive, Bryan, Texas, spoke on behalf of Civil Engineering Associates in favor of the rezoning request and made himself available for questions.

Mr. Jim Davis, 119 Lake Street, Bryan, Texas, spoke on behalf of Habitat for Humanity in favor of the rezoning request and made himself available for questions.

The public hearing was closed.

**Commissioner Madison moved to recommend approval of Rezoning RZ15-06 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gutierrez seconded the motion.**

Commissioners discussed their gratitude for Habitat for Humanity and all citizens in attendance for supporting this great project.

**The motion passed with a vote of 4 in favor and 0 in opposition with Commissioner Krolczyk abstained from discussion and voting.**

**b. Rezoning RZ15-15: SF Business Investments, LLC.**

*A request to change the zoning classification from Agricultural – Open District (A-O) to Commercial District (C-3) on 9.76 acres of land out of Maria Kegan Survey, and adjoining the northeast side of the State Highway 30 between Winding Creek Road (private road) and Cole Lane in Bryan, Brazos County, Texas. (M. Hilgemeier)*

Mr. Hilgemeier presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to questions, Mr. Hilgemeier responded that two separate calls and two separate emails have been received by neighboring citizens, all of which were in opposition to the rezoning request.

The public hearing was opened.

Ms. Elizabeth Stuart, 4687 Cole Lane, Bryan, Texas, neighboring property owner, spoke in opposition to the rezoning request citing her concerns about the intended land use, increased traffic, increased crime, child safety, and the long-term maintenance of the subject property.

Mr. Thomas W. Fabian, 4705 Winding Creek, Bryan, Texas, neighboring property owner, spoke in opposition to the rezoning request citing his concerns about the intended land use, increased traffic on their private road, and the safety of his grandchildren.

Ms. Pamela Preston, 4749 Cole Lane, Brazos County, Texas, neighboring property owner, spoke in opposition to the rezoning request citing her concerns about the intended land use, increased traffic, crime and safety.

Ms. Marcella Darensburg, (street number not given) Cole Lane, Brazos County, Texas, neighboring property owner, spoke in opposition to the rezoning request citing her concern for increased development in the area and lowering property value.

Mr. Larry Dover, 4633 Winding Creek, Bryan, Texas, neighboring property owner, spoke in opposition to the zoning request citing his concern for increased lighting from the proposed development as well as increased traffic on the private street adjacent to his property.

Mr. Jack Anding, 705 Hasselt Street, College Station, Texas, owner of property on Cole lane, spoke in opposition to the rezoning request citing his desire to build a future home on his Cole Lane property.

Ms. Kimberly Lytle, 4740 Winding Creek, Brazos County, Texas, neighboring property owner, spoke in opposition to the rezoning request citing her desire to build a home on her property and the negative attributes of having commercially zoned land in near proximity.

Mr. Fred Fontana, 4968 Winding Creek, Brazos County, Texas, neighboring property owner, spoke in opposition to the rezoning request citing his concern for the type of proposed development and the increased traffic on the private road adjacent to his property.

In response to questions, Mr. Hilgemeier responded:

- the Comprehensive Plan calls for commercial development along major arterial gateways into the City of Bryan; and
- property intended for development are subject to land clearing permits prior to lot clearing.

In response to questions, Mr. Kaspar responded:

- it is his understanding that the property owner did not acquire the necessary permits prior to the clearing of his land.
- city staff is currently waiting for the property owner to submit an erosion prevention plan; and
- the city does not have a tree preservation ordinance, therefore the property owner has the right to clear trees and foliage from the property.

Mr. Haynes approached the podium and clarified the procedure for the annexation of new land into city limits and the assignment of a default zoning classification which is Agricultural-Open (A-O). Mr. Haynes then explained that following annexation, land zoned Agricultural-Open (A-O) should then follow good land use policy which would allow for the land to assume a zoning classification that is contiguous with the current surrounding land uses.

**Chairperson Hickle asked staff to ensure that the destruction of natural habitat should not be allowed on property under the assumption that the property will receive the future**

**permissions required to begin development.**

In response to questions, Mr. Haynes stated that:

- the closest property zoned C-3 to the subject property is about a mile and a half away to the northwest on State Highway 30; and
- the FM 158 Corridor Overlay Zoning District that runs along the front 200 feet of the subject property was designed to rise the standard of development along the FM158 Corridor into the City of Bryan.

Commissioner Gutierrez thanked all the citizens in attendance for their input and concern with regards to this rezoning request.

The public hearing was closed.

**Commissioner Incardona moved to recommend denial of Rezoning RZ15-15 to the Bryan City Council. Commissioner Hickle seconded the motion.**

Commissioners discussed:

- significant citizen concerns.
- increased traffic in the area surrounding the subject property; and
- loss of natural habitat on the proposed property.

**The motion passed unanimously.**

**9. REQUESTS FOR APPROVAL OF VARIANCE TO STANDARDS OF ARTICLE IV (BUILDING SETBACKS AND LOT STANDARDS) OF THE LAND AND SITE DEVELOPMENT ORDINANCE (BRYAN CODE OF ORDINANCES CHAPTER 62) – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; applicants may direct appeals to City Council).**

**a. Planning Variance PV15-07: Billy B. Hutson**

*A request for approval of variances from minimum 7.5-foot side and rear building setbacks generally required from property lines on residential home sites, to legitimize previous construction of an accessory structure that extends within 2.2 feet from the southeast side property line and within 4 inches from the rear (southwest) property line on property at 3240 Walnut Creek Court, approximately 1,200 feet southwest of the intersection of South Traditions Drive and Walnut Creek Court, being Lot 21 in Block 1 of The Traditions Subdivision – Phase 3 in Bryan, Brazos County, Texas. (R. Haynes)*

Mr. Haynes presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Gutierrez I move to approve Planning Variance PV15-07, finding that strict compliance with the regulation will result in hardships and difficulties upon the owner/applicant greater than the benefits to be derived by the general public through compliance with the requirements of Chapter 62 subject to the condition that the structure must remain open and unenclosed on all four sides. Commissioner Madison seconded the motion.**

Commissioners discussed their belief that the natural buffers surrounding the structure requiring variances from the minimum setback standards is sufficient for separation from neighboring structures.

**The motion passed unanimously.**

#### **10. ADJOURN.**

Without objection, Chairperson Hickle adjourned the meeting at 7:00 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **20<sup>th</sup>** day of **August, 2015**.

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Bobby Gutierrez, Vice-Chairperson  
Planning and Zoning Commission  
City of Bryan, Texas

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Martin Zimmermann, AICP  
Planning Manager and Secretary to the  
Planning and Zoning Commission